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TAGS: PHUM PGOV PREL AM

SUBJECT: ARMENIAN MEDIA CONCERNED ABOUT TABLOID EDITOR'S PRE-TRIAL DETENTION

Classified By: DCM A. F. Godfrey for reasons 1.4 (b, d).

SUMMARY

¶1. (C) The Armenian media is concerned about the arrest and pre-trial detention of the editor of Zhamanak Yerevan, Arman Babajanyan, on charges of document fraud and the evasion of military service. Babajanyan reportedly confessed to the charges that he forged documents between 1996 and 2002 to get out of military service. He is currently in pre-trial detention at a Yerevan prison, which has the media community concerned that his arrest was motivated by his position as an "opposition" journalist. The Prosecutor General's (PG) office maintains that draft dodgers are commonly subject to pre-trial detention. Although the lag time before the arrest is somewhat suspicious, our view is that Babajanyan likely committed fraud, and that this is not a case of violation of human rights or press freedom. The OSCE and the EU Presidency have opted not to get involved in the case. End Summary.

THE MEDIA RESPONDS

¶2. (SBU) The media reacted immediately to Babajanyan's June 26 arrest. Employees of Zhamanak Yerevan protested outside the PG office June 27-29, maintaining that Babajanyan's position as an editor was the real reason for the arrest. (Note: Zhamanak Yerevan is a small newspaper that was published only in Los Angeles until just recently, when it began publication in Yerevan. It is not a hardline opposition paper, and has more in common with a local tabloid, Haykakan Zhamanak, that makes a business of bashing all high-ranking officials, including the U.S. Ambassador. End Note.) Zhamanak Yerevan employees are the only ones who have protested against the actual charges. Other protests have focused on Babajanyan's pre-trial detention.

¶3. (U) Last week, the heads of a number of press and human rights organizations issued a joint statement calling on the PG's office to lighten Babajanyan's pretrial punishment. "The choice of arrest as a preventative punishment ... is taken to be a blow on the newspaper, and, secondly, is viewed as an infringement of the right of a journalist, moreover, an opposition journalist, to freedom of expression, and as a response to his activities." A number of newspaper editors also published a joint statement questioning the nature of Babajanyan's pre-trial arrangement. They argued that subjecting the editor to pre-trial detention suggests that his crimes are graver than evasion of military service or document fraud.

¶4. (SBU) The head of the Investigative Journalists Association, Edik Baghdasaryan, did not dispute the charges against Babajanyan, but told us that, had Babajanyan not been the editor of an "opposition" newspaper, the government probably would not have charged him. The head of the Yerevan Press Club, Boris Navasardyan, told us that, though he could not be 100 percent certain the arrest was politically motivated, the nature of the pre-trial arrangements made it appear that way. Navasardyan, who signed the statement issued by the press and human rights organizations, told us the group would like the government to release Babajanyan pending his trial so that he could continue to work for his newspaper. He noted that the PG's office granted his request to obtain the name of the lawyer who represented Babajanyan during his pre-trial hearing. Navasardyan said he thought that was a good sign, and indicated that the PG's office would at least consider his request that the pre-trial arrangements be downgraded to bail or house arrest.

THE PG'S SIDE

¶5. (SBU) The PG's office released a statement shortly after Babajanyan's arrest saying that pre-trial detention is commonly applied in cases of evasion of military service. Investigator Samvel Sinanyan told us that, in 2005, 67 men were charged with evasion of military service, and that all of them were held in pre-trial detention. Sinanyan said it logically followed that Babajanyan, who is also accused of document forgery, making his crime more serious, would also be subject to pre-trial detention. Babajanyan was charged with forging marriage and birth certificates between 1996 (the year he was supposed to start his military service) and 2002 to prove that he was married with children, which would

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have freed him from his obligation to serve in the army.

INTERNATIONALS STAY AWAY

¶6. (C) The international community appears to be ignoring the issue. The German DCM approached us on behalf of the EU Presidency to determine whether post would get involved, but before we could respond, she decided against interfering. The OSCE also chose to keep its distance, given Babajanyan's confession.

COMMENT

¶7. (C) While we do not believe that Babajanyan's arrest is politically motivated, the question remains as to why the PG's office waited so long to prosecute him. Sinanyan told us the military police had the lead on the investigation, and transferred the case to the PG's office once they had enough evidence. This is unusual, as the military police are usually quick on the draw to nab draft dodgers. The fact that it took so long does lend some credence to the journalists' concerns, however, Babajanyan confessed to the crimes, and no one seems to be arguing that he is innocent.
EVANS